

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMANDA M. McPHERSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C21-05450-RSM

ORDER

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgement on January 25, 2022, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$6,326.70 in attorney's fees, subject to any

1 offset allowed under the Treasury Offset Program. See. *Astrue v. Ratliff*, 560 U.S. 586, 589–590
2 (2010). Payment of EAJA fees shall be sent to Plaintiffs attorney by either EFT or check: David
3 Oliver at David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409.
4 Pursuant to *Ratliff*, award shall be payable to Plaintiff’s attorneys, David Oliver at David Oliver
5 & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government
6 through the Federal Treasury Offset program.
7

8 For the foregoing reasons, Plaintiff’s stipulated motion for attorney fees is GRANTED

9 DATED this 14th day of July, 2022.

10
11 

12 RICARDO S. MARTINEZ
13 CHIEF UNITED STATES DISTRICT JUDGE
14
15
16

17 Presented by:

18 S/David P. Oliver
19 David P. Oliver
20 Attorney for Plaintiff
21
22
23
24
25
26
27
28